

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
08 MAY 12 AM 10:01
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

UNITED STATES OF AMERICA

Plaintiff

-vs-

MARVIN HODGE

Defendant

CASE NO. 1:06CR5659

: ORDER ACCEPTING PLEA

: AGREEMENT AND JUDGMENT AND

: NOTICE OF HEARING

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli regarding the change of plea hearing and plea agreement of Marvin Hodge which was referred to the Magistrate Judge with the consent of the parties.

On 6 December 2006, the government filed a four-count indictment against Marvin Hodge for conspiracy to distribute cocaine base and cocaine in violation of 21 U.S.C. § 846, 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); distribution of five grams or more of cocaine base with intent in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), and possession of five grams or more of cocaine base with intent to distribute in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B). On 3 January 2007, a hearing was held in which Marvin Hodge entered a plea

of not guilty before Magistrate Judge Patricia A. Hemann. On 27 March 2008, Magistrate Vecchiarelli received Marvin Hodge's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Marvin Hodge is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Marvin Hodge is adjudged guilty of Counts 1 and 18 in violation of 21 U.S.C. §§ 846 and 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).

Sentencing will be:

16 June 2008 at 10:30 a.m.

**Courtroom 19-A
19th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated:

12 May 08


UNITED STATES DISTRICT JUDGE